

REMARKS

By this paper, claims 40, 45 and 50 have been amended. Claims 40-53 remain pending.

In the outstanding Office action dated March 9, 2006, claims 40-44 and 50-53 were rejected under the non-statutory obviousness-type double patenting as being unpatentable over claims 2-7 and 10 of U.S. Patent No. 6,702,762 and claims 45-49 were rejected under the non-statutory obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,702,762. In response thereto, Applicants have submitted herewith a Terminal Disclaimer which disclaims a terminal part of the statutory term which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,702,762. It is believed that submitting such a Terminal Disclaimer operates to traverse the rejection of claims 40-53 for double patenting.

Additionally, in the outstanding Office action, claims 40-53 were rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson et al. (6,284,089). As an initial matter, it is respectfully submitted that in so rejecting the claims, there has been a failure to establish that each and every limitation of the rejected claims is taught by the Anderson et al. patent. That is, Anderson et al. does not address guide wires, the very subject matter to which the pending claims are directed. In response thereto, independent claims 40, 45 and 50 as well as their respective dependent claims nevertheless have been amended to recite structure specific to an intravascular guide wire to even more clearly distinguish the claims from the cited art. This has been accomplished by specifically reciting the intravascular guide wire in the body of each of the independent claims. As such, it is respectfully submitted that each of the pending claims are allowable over the cited Anderson et al. patent. Significantly, the Anderson et al. patent is directed towards thermoplastically welding panels in aerospace applications and thus, it is not concerned with any issues relating to medical devices such as guide wires or their compatibility

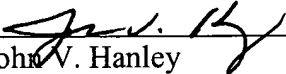
within a patient's body. Therefore, it is respectfully submitted that each of pending claims 40-53 are in a condition for allowance.

CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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